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10 Attorneys for Plaintiff

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 UNITED STATES OF AMERICA, ) No. CR 11-00554 EJD  
16 Plaintiff, ) STIPULATION AND [PROPOSED]  
17 v. ) ORDER CONTINUING THE CHANGE OF  
18 ROBERT DEKETT, ) PLEA HEARING FROM SEPTEMBER 17,  
19 Defendant. ) EXCLUDING TIME FROM SEPTEMBER  
20 ) 17, 2012 TO OCTOBER 15, 2012

21 The parties hereby request that the Court enter this order continuing the change of plea  
22 hearing scheduled for September 17, 2012 to October 15, 2012, and excluding time from  
23 September 17, 2012 to October 15, 2012. The parties, including the defendant, stipulate as  
24 follows:

- 25 1. Defense counsel Jack Gordon is unavailable on September 17, 2012 due to a preliminary  
26 hearing in state court. Government counsel has presented him and the defendant with a proposed  
27 plea agreement.
- 28 2. The defendant understands and agrees to the exclusion of time from calculations under

STIP & [PROP] ORDER  
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1 the Speedy Trial Act, 18 U.S.C. § 3161, for the period from September 17, 2012 to October 15,  
2 2012, based upon the need for the defense counsel and defendant to complete their investigation  
3 and review and consider the proposed plea agreement. Therefore, for effective preparation of  
4 defense counsel, the parties agree that the change of plea hearing currently scheduled for  
5 September 17, 2012 should be continued to October 15, 2012 at 1:30 p.m.

6 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial  
7 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for  
8 effective preparation of the defense; believes the exclusion is in the defendant's best interests;  
9 and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for  
10 the period from September 17, 2012 to October 15, 2012.

11 Given these circumstances, the parties believe, and request that the Court find, that the  
12 ends of justice are served by excluding from calculations the period from September 17, 2012 to  
13 October 15, 2012 outweigh the best interests of the public and the defendant in a speedy trial  
14 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

15 IT IS SO STIPULATED.

16 DATED: 9/12/12

17 \_\_\_\_\_ /s/  
18 JACK GORDON  
Attorney for Defendant

19 DATED: 9/12/12

20 \_\_\_\_\_ /s/  
21 SUSAN KNIGHT  
HANLEY CHEW  
Assistant United States Attorneys

### 22 23 [PROPOSED] ORDER

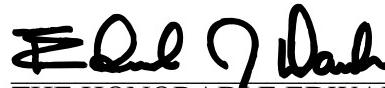
24 Having considered the stipulation of the parties, the Court finds that: (1) the defendant  
25 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18  
26 U.S.C. § 3161, from September 17, 2012 to October 15, 2012, based on the need for the defense  
27 counsel to complete his investigation and evaluate further possible defenses and motions  
28 available to the defendant; (2) the exclusion of time is necessary for effective preparation of the

1 defense and is in the defendant's best interests; and (3) the ends of justice are served by  
2 excluding from Speedy Trial calculations the period from September 17, 2012 to October 15,  
3 2012.

4 Accordingly, the Court further orders that (1) the change of plea hearing currently  
5 scheduled for September 17, 2012, is vacated and that the next appearance date before this Court  
6 is scheduled for DATE at 1:30 p.m.; and (2) the time from September 17, 2012 through October  
7 15, 2012 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

8 IT IS SO ORDERED.

9 DATED: 9/14/2012



10 THE HONORABLE EDWARD J. DAVILA  
11 United States District Court Judge

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